

From: Caroline Geppert  
 To: gael@gaelparrison.com  
 Sent: 10/21/2013 4:46:48 PM  
 Subject: Re: Voter ID Problem

Dear Ms. Harrison:

Thank you for your email. In answer to your question, it is likely that the election officials at your polling place will determine that your name as it appears on your ID is "substantially similar" to your name as it appears on your photo ID. Election officials have been instructed to review the ID presented by a voter and make a determination of whether the name on the ID exactly matches, is substantially similar to, or does not match the name as it appears on the official list of registered voters ("OLRV"). If a name does not exactly match but is "substantially similar" to the name on their list of registered voters, the voter will still be able to vote after initialing an affidavit stating that the voter is the same person on the list of registered voters. The affidavit, referred to as the "similar name affidavit," is on the combination form/poll list that a voter signs after being qualified to vote, and the voter submits the affidavit by initialing the appropriate box on the combination form. The voter may then proceed to vote as normal.

In determining whether the voter's name on the voter's ID and on the OLRV are "substantially similar," an election worker should consider a "totality of the circumstances," such as whether information on the presented ID document matches elements of the voter's information on official list of registered voters, including the voter's residence address or date of birth, which may be strong indicators that the name on the presented ID document is substantially similar to the name on the official list of registered voters and vice versa.

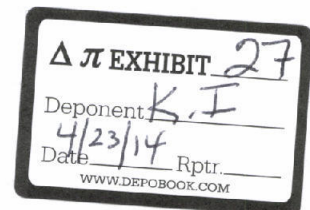
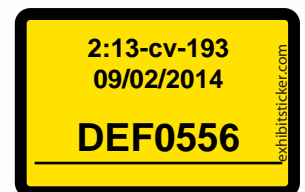
Administrative rule 81.71 provides the following examples of "substantially similar" names:

1. Name on presented ID is slightly different from one or more of the name fields on the official list of registered voters (e.g., there are minor spelling variations such as "Nanci Webber" versus, "Nancy Webber.");
2. Name on presented ID or on the official list of registered voters is customary variation of the formal name, such as, for illustrative purposes only, Bill for William, or Beto for Alberto;
3. Voter's name on the presented ID document contains an initial, a middle name, or a former name (such as the maiden name) that is not on the official list of registered voters; or
4. A first name, middle name, former name, or initial of the voter's name that occupies a different field on the presented ID document than a first name, middle name, former name, or initial of the voter's name on the official list of registered voters.

Here is a chart that gives examples of similar names where former names, abbreviations, initials, etc. may be at issue:



Lyndon Johnson	Lyndon Baines Johnson
William P. Clements, Jr.	Bill Clements
Willie Hugh Nelson	Willie Nelson
Audie Murphy	Audie L. Murphy
J. Roger Williams	Roger Williams
Earl C. Campbell	Earl Campbell
Carole Keeton Rylander	Carole Keeton Strayhorn
Sandra Day	Sandra Day O'Connor
Beyonce Knowles	Beyonce Knowles-Carter



The voters listed above should be accepted for voting after initialing the substantially similar name affidavit.



As an illustration of using a totality of the circumstances, review the information on this slide:



## Totality of the Circumstances

- Claudia Alta "Lady Bird" Taylor Johnson



*Texas Driver License*

Lady Bird Johnson  
123 Texas Way  
Austin, Texas 71234

Date of Birth: 12/22/1912

Precinct 1 - Travis County  
List of Registered Voters

Claudia Bird Taylor  
123 Texas Way  
Austin, Texas 71234

Date of Birth: 12/22/1912

10/21/2013

Texas Secretary of State Elections Division

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In this example, the only name in common is "Bird," but the date of birth and residence address match. Thus, an election official could determine, under an examination of the totality of the circumstances, that the name on her ID and her name on the list of registered voters was substantially similar, and could allow Mrs. Johnson to vote after she initialed the similar name affidavit.

If, however, the election judge determines that a name cannot be considered substantially similar (i.e., is too different to accept for voting), then the voter would be given the opportunity to vote a provisional ballot. In order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to "cure" the ID problem, by presenting one of the acceptable forms of photo ID reflecting a closer match to the voter's name on the list of registered voters or some other official documentation, such as a marriage license or a court order reflecting a change of name.

For further information on the requirement for identification when voting, you may wish to review the following website:  
<http://votetexas.gov/register-to-vote/need-id>.

Finally, we would note that one way to avoid a problem at the polls is for a you to update your registration information to reflect your name as it appears on a form of acceptable ID. You may do this by:

Correcting your current voter registration certificate on the back and returning it to the Voter Registrar;  
Filling out a new voter registration application form and checking the "change" box;  
Changing your voter information at the same time you apply for or change your Texas driver's license; or  
As long as you reside in the same county, changing your information online at the Secretary of State's Voter Registration Name/Address Change website. The screen will prompt you through the process, and the changes that you make will be forwarded to your county Voter Registrar for processing.

Although it is too late to make such a change for the upcoming November 5, 2013 election (the deadline to submit a change to effective for that election was October 7, 2013), changing the information now will insure that you will not encounter problems in other future elections. You also may wish to change or update your driver's license to reflect your full name. if you do not wish to change or update any identifying document, you should still be able to vote by initialing the substantially similar name affidavit each time you vote.

I hope this is helpful.

Sincerely,

Caroline Geppert  
Staff Attorney - Elections Division

Office of the Texas Secretary of State

1.800.252.VOTE (8683)

[elections@sos.texas.gov](mailto:elections@sos.texas.gov) | [www.sos.state.tx.us](http://www.sos.state.tx.us)

**VOTETEXAS.GOV**

POWERED BY THE TEXAS SECRETARY OF STATE

*The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

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**From:** Gael Harrison [<mailto:gael@gaelpharrison.com>]

**Sent:** Monday, October 14, 2013 10:19 PM

**To:** Elections Internet

**Subject:** Voter ID Problem

My name is Gael Plauche Harrison. My name is shown as Gael Plauche on my driver's license, my concealed carry permit, and my passport. My name is shown as Gael Harrison on the voting rolls. The two names are "substantially similar," only if the election worker focuses on the first name.

I have IDs with the last name of Harrison (such as a Medicare card and a State Bar of Texas card), but they do not have photos. I have none of the approved photo identifications with the name of Harrison.

I live in Grimes County, a small county in which the election workers at the polls know me. In fact, I have run for office in this county twice. I was once a precinct chair in Harris County. I have voted since I was 21, and I am now 65.

Will I be denied my right to vote for lack of an approved photo ID?

Thank you.

Gael Plauche Harrison

Attorney at Law

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